

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 11, 2004
Tuesday, A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Ms. Rose Rosenwach, of the Jewish faith, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of May 4, 2004, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS	Proclamations previously approved were presented.
WICHITA'S PROMISE	Wichita's Promise - Youth Community Service Awards were presented.
RECOGNITION	Bicyclists from Tlalnepantla, Mexico were recognized and presented a certificate of honorary citizenship.

UNFINISHED BUSINESS

RIVERSIDE TENNIS	<u>RIVERSIDE TENNIS CENTER COMPLEX. (DISTRICT VI)</u> (Deferred April 6, 2004)
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Doug Kupper	Director of Parks and recreation reviewed the item.
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Agenda Report No. 04-0352A

On April 6, 2004, the City Council deferred action on the Request For Proposal (RFP) for the Riverside Tennis Center Complex. At a City Council workshop on May 4, 2004, the City Council suggested several changes be made to the RFP. The RFP has been revised based on City Council input.

Analysis: The vision for the Ralph Wulz Tennis Center is to create a year-round community recreation center with the mission of providing an opportunity to improve health, increase cultural awareness and provide positive role models for all citizens, including youth, handicapped, seniors, gifted, underprivileged and "at-risk" populations in Wichita. The addition of indoor courts to complement the outdoor courts will allow the facility to be used year-round.

The City Council is requested to approve the issuance of a competitive Request for Proposal (RFP) for development and management of the new indoor facility. The City would seek a preferred developer to work in partnership with the City to construct a new indoor facility and operate the Ralph Wulz Tennis Center. Once the new facility is constructed, the preferred developer would be afforded the opportunity to engage in management services for operation of both the indoor facility and the outdoor courts and the pro shop. The facilities would be a public recreational facility for the purpose of growing the sport of tennis for public play and providing other recreational programming including free scheduled tennis

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play for disadvantaged and physically challenged youth as well as marketing and implementing regional tennis tournaments.

The RFP would be issued through the Purchasing Division using a competitive process.

The City Council approved a total of \$5 million (\$2.5 million GO and \$2.5 million Other) in the 2004 CIP for the construction of a new indoor tennis facility at the Ralph Wulz Riverside Tennis Center.

- Council Member Fearey Council Member Fearey stated that one of the concerns that was brought up at the neighborhood meeting was that the ground in this area is not stable. Asked if there will be an independent engineering study done and if not, requested that it be put in the request to make sure that after a facility is built, in a few years there will be no cracks in the building.
- Doug Kupper Director of Parks and recreation stated that is his intent and that this would have to be built to the standards that they expect. The main courts will be built on the same lines as the post tension concrete that are on the other courts existing and they were engineered for that type of sandy soil.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- David Babish Mr. Babish who resides at 4431 Ironwood, stated that he is here in opposition to the City of Wichita building an indoor tennis complex at Riverside Park. Stated that he opposes the proposed \$5 million indoor tennis complex because it breaks with the logic of the previous improvements, the degraded aesthetics in Riverside Park, the cost and the questionable need. The project cost of \$5 million is something the City cannot afford if our priorities are properly placed and that this is not fiscally conservative or responsible. Stated that he has seen no study to show him the need for a public indoor tennis facility or where it should be placed. Stated that there are currently 89 outdoor tennis courts at 31 different locations throughout the City in addition to the private providers. Stated that he fully supports providing recreational facilities for our young and adult population.
- Unidentified speaker Stated that she is for a vision if a vision will work. Stated that Riverside, which is built on a sand bed, will not hold a multi-complex building. Stated that millions of dollars has been spent on Riverside Park, making it beautiful on the north side and now there is a proposal to build and erect a building, which will be an eyesore to everybody that goes through Riverside after spending millions on the north side. A better plan would be to build a smaller indoor court on the west side and there would still be parking available on the east side.
- Council Member Schlapp Council Member Schlapp stated that she would abstain due to a conflict of interest.
- Motion--
--carried Mayans moved that the issuance of the Request for Proposal for Development and Management Services for the Riverside Tennis Center Complex be approved. Motion carried 6 to 0. (Schlapp abstained due to conflict of interest).

NEW BUSINESS

WORLD CHESS

RESOLUTION SUPPORTING INDEPENDENT WORLD CHESS CHAMPIONSHIPS, INC. (IWCCI).

- Cathy Holdeman Interim City Manager stated that this resolution came before the Council today at the request of Mr. Anthony Winn who spoke with Vice-Mayor Brewer and asked that he be allowed to speak on this issue.
- Mayor Mayans Mayor Mayans stated that the Council would receive his testimony but that no action will be taken on the resolution.
- Anthony Winn Mr. Winn reported that the Independent World Chess Championships was founded in the City of Wichita and he is requesting to become the official chess organization for Wichita and eventually Sedgwick County. Stated that they lean towards education enhancement, which they believe will make the community better and produce better people and have a major impact on the senior citizens.

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Research has shown that playing chess has benefits for senior citizens because it slows down the senility by keeping the mind active and focused.

Mayor Mayans Mayor Mayans inquired whether anyone wished to speak on this issue and no one appeared.

NEIGHBORHOOD

HUD CONSOLIDATED PLAN-2004/2008 CONSOLIDATED PLAN, HUD 2004/2005 ONE YEAR ACTION PLAN, REVITALIZATION NEIGHBORHOOD REVITALIZATION PLAN-ORDINANCE/INTERLOCAL AGREEMENT.

Tom Smith Finance Department reviewed the item.

Agenda Report No. 04-0479

The U.S. Department of Housing and Urban Development (HUD) requires submittal of a Five-Year Consolidated Plan with a One-Year Action Plan for the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) programs. On April 6, 2004, the City Council approved the draft 2004/2008 Consolidated Plan, which contains the 2004/2005 One Year Action Plan and the Neighborhood Revitalization Plan and authorized the thirty-day public comment period to begin.

On April 20, 2004, the City Council approved the revisions to the Neighborhood Revitalization Plan (Appendix D of the Consolidated Plan), placed the ordinance on first reading and approved the Interlocal Agreement authorizing the necessary signatures.

The City's 2004/2008 Consolidated Plan identifies the needs and general strategies to be employed to address those needs. On November 18, 2003, the City Council approved the priority needs addressed in the Consolidated Plan.

The City's 2004/2005 One-Year Action Plan lists the federal resources available from various grant assistance programs to address priority needs identified in the Consolidated Plan. A description of the activities funded, the geographic location of the activities, and other special needs and activities to be undertaken during the fiscal year are included in the action plan. The 2004/2005 One-Year Action Plan covers the period beginning July 1, 2004 and ending June 30, 2005. The One-Year Action Plan contains projects approved by the City Council on March 16, 2004.

The 2004/2005 One-Year Action Plan totals \$6,090,577. All of the Consolidated Plan funds have been previously allocated by the City Council and committed to approve projects.

No comments were received during the thirty-day public comment period. The City has met all federal requirements to submit the final 2004/2008 Consolidated Plan and the 2004/2005 One-Year Action Plan to HUD. A public hearing is required prior to final adoption of the Neighborhood Revitalization Plan.

The Neighborhood Revitalization Plan has been prepared in accordance K.S.A. 12-117, 114 et. seq., The ordinance for the Neighborhood Revitalization Plan is required to be read a second time prior to adoption. Staff has completed the required publications providing notice to citizens on the Neighborhood Revitalization Area Plan public hearing.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Loretta Buckner Ms. Buckner stated that she has the same concerns as she did a few months ago regarding how the CDBG money is being spent. Stated that this money is being used to pave streets and the information on resources available to citizens for financing necessary improvements in their neighborhoods is not reaching most citizens. Stated that when she went to HUD she was shown the revitalization map and on the back of the map it shows shaded areas for low to moderate income areas that are in need of neighborhood improvements and that her neighborhood is one of the areas that is shaded. Stated that she was told that CDBG funding was used to do this and when she went to try and find research on this she was told something different. Asked why is CDBG money not listed as an option on that map that is handed out to the public. Stated that she was told by staff, that no individual could request these

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funds and that the process would be far too difficult, complicated and time consuming to apply for these funds. Stated that it would be very important to train and educate city staff on how to inform citizens who inquire about funds and to make the money and resources available to improve neighborhoods. Stated that she was told that taxpayers must pay for paving streets in their neighborhoods, however, there are other funds available and that every city that receives CDBG monies must involve citizens particularly low to moderate-income residents in the planning of how this money will be spent. Citizens must have reasonable and timely access to local meetings, information and records related to the use of CDBG funds.

Tom Smith

Finance Department stated that the CDBG funds to pave streets is an eligible activity and is allowed if the block that is being paved is low and moderate-income under the HUD definitions. Stated that the easiest way to access this information is to work through the Public Works Department who utilizes the block grant funds for street repair and street reconstruction.

Motion--

Mayans moved that the public hearing and the comment period be closed; the 2004/2008 HUD Consolidated Plan and Neighborhood Revitalization Plan be approved; the Ordinance be placed on second reading; and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE 46-146

An Ordinance of the City of Wichita, Kansas, to adopt a Neighborhood Revitalization Plan and designate the areas within the City of Wichita, Kansas, to be included with such plan, and to authorize and approve a certain Interlocal Agreement by and among the City of Wichita, Kansas, The Board of County Commissioners of Sedgwick county, Kansas and Unified School District No. 259, Sedgwick County, Kansas, pertaining to administration of the neighborhood Revitalization Plan and the issuance of tax rebates there under, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. Mayans.

DR2002-00001

DR2002-00001: MIDTOWN NEIGHBORHOOD PLAN, GENERALLY LOCATED SOUTH OF 18TH STREET, WEST OF THE UNION PACIFIC/BNSF RAILROAD, NORTH OF MURDOCK STREET AND EAST OF THE LITTLE ARKANSAS RIVER.

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 04-0480

In January of 2004, following a two-year process, the Midtown community completed the Midtown Neighborhood Plan, with extensive input from and discussion with the community.

The mission of the plan is:

To enhance the appearance, safety and quality of life in Midtown to make it an attractive and desirable place to live, work and play for the benefit of all residents, businesses, visitors and property owners.

The plan contains the following nine goals:

1. Build a sense of community and responsibility.
2. Maintain and improve the character of the neighborhood.
3. Encourage attractive, affordable and well-maintained housing.
4. Preserve and Enhance Historically-Designated Homes and Districts
5. Encourage a safe and peaceful neighborhood.
6. Improve park and recreational space experiences and encourage the use of parks.
7. Eliminate storm water drainage problems.
8. Eliminate speeding traffic, enhance pedestrian and vehicular safety and circulation, and encourage walking.
9. Add and maintain neighborhood shops and businesses.

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The plan also outlines policies, land use recommendations and specific studies that together seek to maintain the residential character of the neighborhood, provide for the development of a linear greenway to connect three neighborhood schools, and guide redevelopment along the Santa Fe corridor and around the schools. No zoning proposal has been made, and rezoning is not a part of this plan.

MAPD received letters of support from three neighborhood-based associations working in the area. Various associations and agencies identified in the plan document are ready to begin working on the implementation of the neighborhood plan.

The plan has been made available online and in print, and was presented in detail to the Metropolitan Area Planning Commission (MAPC) on March 11, 2004.

Alternatives: Two options are available to Council now that the Metropolitan Area Planning Commission has adopted the Midtown Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan:

- a) Approve first reading of the Ordinance adopting the Midtown Neighborhood Plan as an amendment to the Comprehensive Plan.
- b) Others actions deemed appropriate by Council.

Cost estimates and timeframes have been established as a baseline for the continuing work of the Neighborhood Plan Implementation Committee, which will work to develop a detailed implementation plan subsequent to the adoption of the plan document. While the act of plan adoption involves no funding commitment on the part of the City, the plan does propose a number of studies and organizational improvements throughout the neighborhood over a 20-year period that would be eligible for funding through CDBG or GO sources. These improvements would have to be programmed into the City's CIP and related program funding plans in the context of citywide neighborhood improvement projects and priorities.

The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, held a public hearing for the proposed Midtown Neighborhood Plan on April 22, 2004, with the required notice of public hearing published in the official City newspaper. The MAPC approved a resolution adopting the Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan (six ayes and one abstention). The adopting Ordinance has been reviewed and approved as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Fearey moved that the Midtown Neighborhood Plan, as an amendment to the Wichita-Sedgwick County Comprehensive Plan be adopted; and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance adopting the Midtown Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over.

MESA VERDE

RESOLUTION OF SUPPORT FOR LOW-INCOME HOUSING TAX CREDIT APPLICATION: MESA VERDE DEVELOPMENT. (DISTRICT VI)

Mary K. Vaughn

Director of Housing reviewed the item.

Agenda Report No. 04-0481

The City has received a request from Community Economic Resource, Inc. (CER), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the development of a single-family residential housing project. (The State of Kansas requires developers/owners to obtain a resolution of support from local governments, when they submit applications for financing through the Low-Income Housing Tax Credit Program.)

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Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) also review the project for design appropriateness. Once the project is reviewed by the DAB, the HAB and DCC, it is forwarded to the City Council for a public hearing, with a recommendation regarding the request for the resolution of support for the LIHTC application.

The proposed project will be located on a tract of land near 34th Street North and Meridian. The project will ultimately offer 47 single-family homes, to be completed in two phases. The initial phase will include the construction of 24 homes, as well as the community clubhouse. Initially, the homes will be offered for rent for approximately \$589 to \$875 per month, depending on the tenant family's income. Tenant residents would be offered an opportunity to purchase their homes following the end of a 15-year tax credit compliance period. As required by the City's LIHTC Policy, 20% of the homes would be reserved for market-rate tenants.

Proposed project amenities include a common green space, which would offer a paved walking path, covered benches and seating, playground equipment, picnic tables and a pond. Services to be offered include Internet access in the clubhouse, a common laundry room and counseling services to be provided through a local non-profit organization. Initially, the developer proposed a gated community with private streets, but subsequently withdrew this aspect of the overall development proposal in an effort to address concerns expressed by neighborhood residents.

Neighborhood residents expressed opposition to the project for various reasons, and thus, the District VI Advisory Board voted against recommendation of issuance of the resolution by a 10-0 margin. The Housing Advisory Board voted to recommend issuance of the resolution, finding that the project complements present strategies for addressing affordable housing needs. Planning Department Staff reviewed the project and found that the site has appropriate zoning, and that the zoning is consistent with the Comprehensive Plan. The Office of Central Inspection (OCI) also reviewed the project, and provided additional design recommendations, including landscaping buffers and compliance with ADA Fair Housing design requirements. The Development Coordinating Committee (DCC) voted to recommend issuance of the resolution, finding that there is sufficient infrastructure in place to support the project, and that City has typically encouraged infill development projects. (One DCC member expressed concern regarding water drainage at the site. Staff investigated and found that the drainage system is sufficient, provided that the single-family homes are not constructed with basements, and provided that the site is one foot above the minimum pad requirement, or modified to be one foot above the minimum pad.)

In accordance with City Council Resolution No. R-95-479, CER has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council, regarding the project.

The total project cost is estimated to be approximately \$4 million. Funding in the amount of \$1.9 million is expected from the tax credits and owner equity, while the remainder will be financed with State of Kansas HOME funds, Affordable Housing Program funding provided by the Federal Home Loan Bank, deferred developer fees, and a private mortgage loan. The City will not be participating in the financing of the project.

The Kansas Development Finance Authority is responsible for underwriting the project. City staff and the respective advisory boards are not responsible for project underwriting.

City Council Resolution No. R-95-479 requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document includes requirements for the homes to be constructed one foot above the minimum building pad, public streets with two access points to the development, homes to be constructed in a manner consistent with the elevation drawings previously submitted for review, two of the homes to be constructed in order to be accessible per ADA Fair Housing design requirements, construction of a clubhouse/storm shelter, a plat design that will include open green space, walking paths, and other amenities proposed in the original submission.

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package (with the exception of the pond), and submission of a landscape plan to OCI, to include a water conservation plan. The developer has also agreed to sign a document agreeing to comply with the above listed requirements.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Christina Meyers Ms. Meyers stated that she bought a house at 3403 North Meridian and has two small children. Stated that this development will be built right across the street from her home and she does not want have to worry about her children's safety and watch the crime rate go up in her area. Stated that she used to live in a low-income housing area and that she knows what goes on there and would not wish that upon her kids.

Council Member Fearey Council Member Fearey stated that there were quite a few meetings on this issue and they were emotionally charged and that the neighbors have valid concerns. Stated that renters are not bad people, drug addicts or criminals and urged the developer to make sure that the neighbors be involved. Stated that this land is for sale and that the Council could have been faced with a zoning change request instead.

Motion-- Fearey moved that the public hearing be closed; the resolution of support for the CER application for Low-Income Housing Tax Credits, subject to the conditions outlined above, be adopted and the necessary signatures authorized.

Council Member Lambke Council Member Lambke stated that he is going to vote no on this issue because the DAB voted against this by a 10 to 0 vote and that he is going to support the DAB's decision.

--carried Motion carried 6 to 1. (Lambke-no)

RESOLUTION NO. 04-227

A Resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Mayans. Nays: Lambke.

AIRTRAN AIRWAYS TRANSPORTATION SERVICES AGREEMENT-AIRTRAN AIRWAYS, INC.

Bailis Bell Director of Airports reviewed the item.

Agenda Report No. 04-0482

On February 28, 2002, the City Council entered into a two-year revenue guarantee agreement with AirTran Airways. AirTran was to provide airline service to Atlanta and Chicago with Boeing 717 aircraft, effective May 8, 2002. A revenue guarantee based upon costs of service was established with a cap of \$3 million the first year and \$1.5 million the second year. After eight months of service to Chicago, AirTran found it necessary to cease Chicago service. Atlanta service continues to this day albeit with smaller, 50-passenger regional jets. The revenue guarantee in its entirety has not been billed but reports indicate that the entire guarantee will be drawn upon for the first two years. AirTran is desirous of entering into an additional one-year revenue guarantee agreement.

The presence of AirTran and their corresponding pricing structure has had a significant impact on airfares at Wichita Mid-Continent Airport, contributing to a 30% overall reduction in airfares and a corresponding 33% increase in passengers. It is estimated that the savings to the air travelers using Wichita Mid-Continent Airport as a result of the presence of AirTran exceeds \$85 million dollars. The proposed new agreement calls for the continuation of three daily round trips to AirTran's Atlanta hub beginning on May 8, 2004 and upgrading from 50-passenger regional jets to 117-passenger Boeing 717s, effective July 1, 2004.

The agreement calls for a revenue guarantee (a guarantee that AirTran will break even financially on the Atlanta route) of \$2.5 million, which is paid monthly if there are demonstrated losses. The goal is for AirTran to become profitable in the market. A financing plan to cover the revenue guarantee will

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involve funding through the City's Economic Development Fund (for economic incentives) and any balance from General Fund appropriated reserves.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Bob Weeks

Mr. Weeks stated that he lives at 2451 Regency Lakes Court and that he is going to speak in opposition to the continuation of the subsidy that the City is paying to AirTran because it is not fair to the other companies. Through the fair fares program the City has organized the potential customers of the subsidized business to insure that they purchase from it. Stated that the subsidy creates a distortion of the market by creating an environment of unfair competition. Stated that if the Council feels that we must subsidize an airline, why not subsidize one of the other established airlines that flies to many destinations rather than just one or why not rotate the subsidy every year to a different airline.

Mayor Mayans

Mayor Mayans stated that the carriers have a strong hold in this area and that the Council has visited with them for many years to see what they could do regarding lower rates and have offered them incentives and they have turned us down. Stated that this is an opportunity to temporarily affect this issue and it has worked.

Troy Carlson

Mr. Carlson stated that he is the President of Fair Fares Inc. and urges the Council's support of making the investment rather than the subsidy to AirTran to keep them here for another year. Stated that the Fair Fares Program was not solely a City initiated endeavor. It was a group of 43 business leaders who got together and determined that the single largest obstacle for economic development for this area was affordable air service. The reality is that our economy is changing from a regional to a global economy and it is an infrastructure issue that permeates every aspect of economic development for the City, the region and the State. Stated that the Fare Fairs campaign was a private sector initiated campaign. Stated that when Vanguard left in 1997, the strong hold of the incumbent carriers was so great that the City of Wichita had some of the highest fares within the country. Stated that we were a captured market and had little opportunity of breaking the stronghold until we were able through a private and public endeavor and have quickly seen the economic development benefit that came about.

Dion Avello

Mr. Avello stated that he is here for the REAP Economic Development Association and sits on this board as the Mayor of Derby and that REAP realizes after so many years of low airfares the impact that it is beginning to have on the outlining communities in this area. Stated that Derby is in a tremendous growth pattern and they are getting calls on a weekly basis from out-of-state and one of the reasons is because air fares in this community is now mostly competitive with everyone else and a little bit lower in some cases. Urged the Council to keep this subsidy in place for another year.

Kevin Logger

Mr. Logger stated that he is the President of the Police Union and is asking that the Council not send this money out to AirTran because he fears that AirTran will leave in a year after they take the \$2.5 million. Suggest that the City use this money to help settle the police contract. Urged the Council not to support the AirTran subsidy and that the money be used to help settle their contract.

Lauri Usher

Ms. Usher stated that she lives at 110 Castle Rock and that when looking at economic impact that this is a project that is over the edge regarding what it does for the community. It does not just touch one particular company but spreads across all of south central Kansas. The savings alone is huge and continues to keep money in the pockets of the consumers, businesses and individuals, which is important for the economy. Stated that the return on the dollar will benefit the services that have been mentioned that are in need of some type of support. Urged the Council to support the investment in AirTran.

Council Member Martz

Council Member Martz stated that this particular funding mechanism is not an on-going issue and is different funding than what Mr. Logger was talking about. Stated that there is a bowling tournament that is currently going on and it is bringing in millions of dollars to the City of Wichita and without low air fares the City would not have had the opportunity to have this tournament in our City because people could not have afforded the air fares to come to our City and in the not too distant future there will be another even larger bowling tournament that will be coming here. Feels that it is mandatory that we keep our airfares down from an economic standpoint. Stated that he hopes that the state and the county would start taking a more active role in helping support the City of Wichita because Mid

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Continent Airport is not just a Wichita issue but also a State of Kansas issue. Stated that he will be supporting this motion.

Council Member Lambke Council Member Lambke stated that 40% of the people who have pledged to support the fair fares have not honored their commitments. AirTran is using the City's tax money to take people to Atlanta where they reconnect them to very profitable routes. Stated that he read in the paper that AirTran had a record year last year and they did this on our taxpayer's money. Stated that AirTran has not lived up to it's original promises, the Chicago route is gone and the route to Atlanta is curtailed. Suggested to charge the people who fly a little bit extra and the taxpayers would not have to support this. Stated that this is unfair competition and will not be supporting this today.

Council Member Schlapp Council Member Schlapp stated that we have to look at this as an investment and stop looking at just ourselves and as what it has done for the entire community.

Council Member Brewer Council Member Brewer stated that as citizens we have a tendency as looking at what is actually impacting us. If we start looking at what has happened at Mid Continent by making this type of investment it is good business sense.

Motion-- Mayas moved that the contract be approved and the necessary signatures authorized. Motion
--carried carried 6 to 1. (Lambke-no).

Mayor Mayans left the bench; Vice-Mayor Brewer in the chair.

CITY COUNCIL AGENDA

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Gray recommended appointing Harold Warner to the MAPC; Council Member Fearey recommended appointing Denise Sherman to the MAPC, Vice-Mayor Brewer recommended appointing to the Housing Advisory Board the following: Lenny Diaz, at large member; Wes Galyon, Housing Development and construction; Alan Huffman, Property Management; Dan Jones, at large member; Gary Schmitt, finance/banking; Rob Snyder, landlord; Tony Rangel, Architect; Trista Curzydlo, Board of Realtors; and Stephen Barcus, tenant.

Motion--carried Vice-Mayor Brewer moved that the appointments be approved. Motion carried 6 to 0. (Mayans absent)

CONSENT AGENDA

Motion-- Vice-Mayor Brewer moved that the Consent Agenda, including Addendum Item #9A, be approved as consensus Items. Motion carried 6 to 0. (Mayans absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 10, 2004.

Bids were opened May 7, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains per specifications.

2004 wheelchair ramp & sidewalk - Phase 1 - north of Harry, east of Meridian. 472-83966/706879/204345) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, VI)

Barkley Construction - \$172,700.00 (Engineer's estimate)

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Lateral 365 Four Mile Creek Sewer to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83788/744051/480739) Does not affect existing traffic. (District II)

K C Excavating - \$163,745.00

Water distribution system to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (448-89934/735186/470856) Does not affect existing traffic. (District II)

McCullough Excavation - \$66,265.00

Motion--

Vice-Mayor Brewer moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Mayans absent)

--carried

POLICE DEPARTMENT/SUPPORT DIVISION: Furniture.

Corporate Express - \$23,851.00 (Group 1 total net bid)

POLICE DEPARTMENT/SUPPORT DIVISION: Furnish and Install Audio-Visual System.

Mission Electronics of Wichita - \$12,531.00 (Group 1 total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: HVAC Equipment.

\$17,739.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Traffic Loop Detector Sealant.

Mid American Signal*- \$22,406.40 (Group 1 total net bid)

*Award redirected

Motion--

Vice-Mayor Brewer moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures authorized. Motion carried 6 to 0. (Mayans absent)

--carried

CMB

APPLICATIONS FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

<u>New Operator</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
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Joseph T. Weber	Club Billiards*	925 West Douglas
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<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
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Kamolthip Darasawat	Siam Cuisine*	6429 East 21st Street
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(Addendum #9A)

<u>Special Event</u>	<u>May 14, 15, 16, 2004</u>
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Shane Brydees	Canlan Ice Sports	505 West Maple
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion-

Vice-Mayor Brewer moved that the licenses, subject to Staff review and approval, be approved. Motion carried 6 to 0. (Mayans absent)

--carried

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Water distribution system to serve Ridge Port North 5th Addition - south of 37th Street North, east of Ridge. (448-89741/735178/470848) Does not affect existing traffic. (District V) - \$123,000.00
- b) Glenwood Circle from the south line of Lot 6, Block 2, and including the cul-de-sac serving Lots 7 through 16, Block 2 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83968/765865/490976) Does not affect existing traffic. (District II) - \$173,000.00
- c) Storm Water Drain #218 to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (468-83727/751355/485246) Does not affect existing traffic. (District V) - \$653,000.00
- d) 2004 contract maintenance asphalt street repair and overlay - north of 47th Street South, east of Meridian. (472-83926/132716/706879/NA/204345) Traffic to be maintained during construction using flagpersons and barricades. (District I, IV & VI) - \$270,950.00
- e) Water main replacement for McKnight Place - north of Kellogg, west of Minnesota. (448-89812/634028/773199) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$795,000.00
- f) Cranbrook from a point 158 feet south of the south right-of-way line of 19th Street North to and including the two Cranbrook Circles; Rusty Gate from the east line of Lot 26, Block 1, to the east line of Lot 36, Block 1; Frederic Circle from the south line of Lot 24, Block 6, to and including the cul-de-sac; Sidewalk along the west and south line of Cranbrook from the north line of Lot 36, Block 1, to the south line of Lot 14, Block 1, and from the southeast corner of Lot 14, Block 1 thru Reserve "F" of Remington 3rd Addition to the south line of Lot 28, Block 7 to serve Remington Place 3rd Addition - south of 21st Street North, east of Webb. (472-83943/765863/490974) Does not affect existing traffic. (District II) - \$584,000.00
- g) Silver Hollow/Brush Creek from the east line of Lot 106, Block 4, to the south line of Lot 134, Block 4; Silver Hollow Court from the south line of Silver Hollow to and including the cul-de-sac serving Lots 107 through 118, Block 4; Brush Creek Circle from the south line of Brush Creek to and including the cul-de-sac serving Lots 119 through 130, Block 4 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83788/765861/490972) Does not affect existing traffic. (District V) - \$257,998.00
- h) Red Fox Circle from the south line of Silver Hollow to and including the cul-de-sac serving Lots 83 through 96, Block 4 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83789/765862/490973) Does not affect existing traffic. (District V) - \$83,000.00
- i) Storm Water Drain #230 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83800/751366/485257) Does not affect existing traffic. (District II) - \$64,000.00
- j) Lateral 362, Four Mile Creek Sewer to serve Fawn Grove Addition - south of Turnpike, west of Greenwich. (468-83797/744052/480740) Does not affect existing traffic. (District II) - \$152,000.00
- k) Water distribution system to serve Fawn Grove Addition - south of Turnpike, west of Greenwich. (448-89938/735187/470857) Does not affect existing traffic. (District II) - \$76,000.00

Motion-
--carried

Vice-Mayor Brewer moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Mayans absent)

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COST STATEMENTS STATEMENTS OF COST:

- a) 2001 Intersection Program (Design). Total Cost - \$109,953.50; (less idle fund interest - \$235.50, - plus temporary note financing - \$0, - less financing previously issued - \$25,000.00 – less financing from interfund transfers - \$50,000.00). Financing to be issued – \$35,189.00 (706813/472-83360/201-278).
- b) 2003 Street Rehabilitation Program. Total Cost - \$293,345.43; (plus idle fund interest - \$443.57; plus temporary note financing - \$0, less interfund transfer - \$85,000.00, less financing previously issued - \$200,000.00). Financing to be issued at this time - \$8,789.00. (706850/472-83672/203-316).
- c) Intersection of 13th & Hydraulic (2000 Intersection Program)(Design). Total Cost – \$39,827.78 (plus idle fund interest - \$254.22; plus temporary note financing - \$0; less financing previously issued - \$35,000.00). Financing to be issued at this time - \$5,082.00. (706791/472-83167/200-245).
- d) 2003 Wheelchair Ramps & Sidewalks. Total Cost - \$451,853.92; (plus idle fund interest - \$2,173.08; plus temporary note financing - \$0, less financing previously issued - \$420,000.00). Financing to be issued at this time - \$34,027.00. (706847/472-83660/203-313).
- e) Museum District Boulevard. Total Cost – \$2,964,102.71 (plus idle fund interest - \$12,106.99; plus temporary note financing - \$731.30; less interfund transfers - \$2,648,700.00; less financing previously issued - \$216,300.00). Financing to be issued at this time - \$111,941.00. (706795/472-83228/200-248).
- f) 2002 Sidewalk & Wheelchair Ramp. Total Cost - \$595,999.56; (plus idle fund interest - \$5,635.16; plus temporary note financing - \$273.28, less financing previously issued - \$577,000.00). Financing to be issued at this time - \$24,908.00. (706828/472-83437/202-294).
- g) Wayfinding Graphics & Signage System. Total Cost – \$521,323.47 (plus idle fund interest - \$4,836.99; plus temporary note financing - \$3,800.54; less interfund transfers - \$84,000.00; less reimbursements - \$59,482.00; less financing previously issued - \$369,000.00). Financing to be issued at this time - \$17,479.00. (791749/472-82827/435-203).

Partial Statements of Cost:

- h) (Second Partial) Estimate of Cost for improving Intersection of Lincoln and McLean Boulevard - \$397,640; less KDOT reimbursements - \$152,640, less financing previously issued - \$12,000. Financing to be issued at this time - \$233,000. (706683/472-83799/203-329).
- i) (Third Partial) Estimate of Cost for improving Central, Maize to Tyler - \$1,464,993; less KDOT reimbursements - \$994,993, less financing previously issued - \$270,000. Financing to be issued at this time - \$200,000. (706848/472-83659/203-314).
- j) (Second Partial) Estimate of Cost for improving Intersection of 13th and Hydraulic- \$518,808; less KDOT reimbursements - \$428,808, less financing previously issued - \$60,000. Financing to be issued at this time - \$30,000. (706849/472-836671/202-315).
- k) (Second Partial) Estimate of Cost for improving Harry, I-35 to George Washington Boulevard - \$223,000; less financing previously issued - \$23,000. Financing to be issued at this time - \$200,000. (706851/472-83686/203-317).
- l) (First Partial) Estimate of Cost for improving 119th Street West, 17th to 21st Street - \$175,000; less financing previously issued - \$0. Financing to be issued at this time - \$175,000. (706875/472-83890/204-341).

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- m) (Third Partial) Estimate of Cost for improving Douglas, Seneca to McLean - \$2,860,000; less financing previously issued - \$2,570,000. Financing to be issued at this time - \$290,000. (706846/472-83608/202-312).
- n) (Seventh Partial) Estimate of Cost for improving Hydraulic, 57th Street to MacArthur - \$4,626,670; less financing previously issued - \$4,455,670. Financing to be issued at this time - \$171,000. (706810/472-83324/201-275).
- o) (Third Partial) Estimate of Cost for improving Rock Road, 21st Street to 29th Street - \$96,000; less financing previously issued - \$80,000. Financing to be issued at this time - \$16,000. (706844/472-83539/202-310).
- p) (Second Partial) Estimate of Cost for improving Central, Woodlawn to Rock Road - \$100,000; less financing previously issued - \$80,000. Financing to be issued at this time - \$20,000. (706838/472-83506/202-304).
- q) (Third Partial) Estimate of Cost for improving 29th Street, Tyler to Maize - \$50,000; less financing previously issued - \$30,000. Financing to be issued at this time - \$20,000. (706837/472-83505/202-303).
- r) (Third Partial) Estimate of Cost for Hydraulic, 63rd Street to MacArthur - \$376,000; less financing previously issued - \$350,000. Financing to be issued at this time - \$26,000. (706780/472-83140/200-263).
- s) (Third Partial) Estimate of Cost for improving Intersection of 21st and 119th Street - \$150,000; less financing previously issued - \$100,000. Financing to be issued at this time - \$50,000. (710216/472-83609/231-078).
- t) (Fourth Partial) Estimate of Cost for 29th Street, Rock to Webb Road - \$862,000; less KDOT reimbursements - \$122,121, less financing previously issued - \$400,000. Financing to be issued at this time - \$340,000. (706841/472-83519/202-307).
- u) (Second Partial) Estimate of Cost for improving Rock Road, 32nd Street to K-96 - \$743,853; less KDOT reimbursements - \$568,853, less financing previously issued - \$125,000. Financing to be issued at this time - \$50,000. (706830/472-83439/201-296).
- v) (Third Partial) Estimate of Cost for improving Intersection of 21st and Rock Road - \$1,799,644; less KDOT reimbursements - \$1,375,644, less financing previously issued - \$200,000. Financing to be issued at this time - \$224,000. (706829/472-83438/201-295).
- w) (Third Partial) Estimate of Cost for improving 21st Street, Hillside to Oliver - \$1,351,325; less KDOT reimbursements - \$893,325, less financing previously issued - \$310,000. Financing to be issued at this time - \$148,000. (706823/472-83368/201-289).
- x) (Second Partial) Estimate of Cost for Woodlawn, Central to 13th Street - \$13,000; less financing previously issued - \$0. Financing to be issued at this time - \$13,000. (706857/472-83758/203-323).
- y) (Second Partial) Estimate of Cost for Maple, 119th to 135th Street - \$3,220,552; less KDOT reimbursements - \$2,444,552, less financing previously issued - \$750,000. Financing to be issued at this time - \$26,000. (706817/472-83262/201-283).
- z) (Fourth Partial) Estimate of Cost for 21st Street, 119th to Maize Road - \$2,254,406; less KDOT reimbursements - \$1,694,406; less financing previously issued - \$315,000. Financing to be issued at this time - \$245,000. (706814/472-83364/201-279).
- aa) (Third Partial) Estimate of Cost for Intersection of George Washington Boulevard and Mt. Vernon - \$485,578; less KDOT reimbursements - \$377,578, less financing previously issued - \$78,000. Financing to be issued at this time - \$30,000. (706792/472-83168/200-246).

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- bb) (First Partial) Estimate of Cost for Central Bridge at Tara - \$162,768; less KDOT reimbursements - \$72,768, less financing previously issued - \$0. Financing to be issued at this time - \$90,000. (715696/472-83801/243-112).
- cc) (Second Partial) Estimate of Cost for Harry, Oliver to Woodlawn - \$83,000; less financing previously issued - \$18,000. Financing to be issued at this time - \$65,000. (706852/472-83685/203-318).
- dd) (First Partial) Estimate of Cost for Intersection of Harry and McLean - \$25,000; less financing previously issued - \$0. Financing to be issued at this time - \$25,000. (706865/472-83781/204-331).
- ee) (First Partial) Estimate of Cost for Hillside, Kellogg to Central - \$33,000; less financing previously issued - \$0. Financing to be issued at this time - \$33,000. (706867/472-83862/204-333).
- ff) (First Partial) Estimate of Cost for 29th Street, Maize to Tyler Road - \$25,000; less financing previously issued - \$0. Financing to be issued at this time - \$25,000. (706868/472-83863/204-334).
- gg) (First Partial) Estimate of Cost for Pawnee, Washington to Hydraulic - \$13,000; less financing previously issued - \$0. Financing to be issued at this time - \$13,000. (706869/472-83858/204-335).
- hh) (First Partial) Estimate of Cost for Intersection of Pawnee and Washington - \$72,000; less financing previously issued - \$0. Financing to be issued at this time - \$72,000. (706870/472-83859/204-336).
- ii) (First Partial) Estimate of Cost for West Learjet Way - \$17,000; less financing previously issued - \$0. Financing to be issued at this time - \$17,000. (706873/472-83845/204-339).
- jj) (First Partial) Estimate of Cost for Rock Road, 21st to 29th Street - \$20,000; less financing previously issued - \$0. Financing to be issued at this time - \$20,000. (706874/472-83889/204-340).
- kk) (Second Partial) Estimate of Cost for Central, Tyler to Woodchuck - \$498,000; less financing previously issued - \$485,000. Financing to be issued at this time - \$13,000. (706835/472-83192/202-301).
- ll) (Fourth Partial) Estimate of Cost for Hillside, Kellogg to Central - \$500,000; less financing previously issued - \$215,000. Financing to be issued at this time - \$285,000. (706834/472-83453/202-300).
- mm) (Third Partial) Estimate of Cost for Hillside, 17th to 20th Street - \$1,525,000; less financing previously issued - \$1,375,000. Financing to be issued at this time - \$150,000. (706842/472-83537/202-308).

Motion--
--carried

Vice-Mayor Brewer moved that the Statements of Cost be approved and filed. Motion carried 6 to 0. (Mayans absent)

REED'S COVE

PETITION TO PAVE STREETS IN REED'S COVE AND REED'S COVE 2ND ADDITIONS, SOUTH OF 21ST, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 04-0483

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide paved access to a new residential development located south of 21st, east of 127th Street East.

The Petition totals \$142,000. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
-- carried

Vice-Mayor Brewer moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 04-229

Resolution of findings of advisability and resolution authorizing improving Glenwood from the south line of Lot 1, Block 3, Reed's Cove 2nd Addition, to the south line of Lot 6, Block 2, Reed's Cove Addition; Bridlewood from the west line of Lot 1, Block 3, Reed's Cove Addition to the west line of Glenwood; sidewalk on one side of Glenwood from the south line of Lot 1, Block 3, Reed's Cove 2nd Addition, to the south line of Lot 6, Block 2, Reed's Cove Addition; sidewalk on one side of Bridlewood from the west line of Lot 1, Block 3, Reed's Cove Addition to the west line of Glenwood, (south of 21st, east of 127th Street East) 472-83770, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Vice-Mayor Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, (Mayans absent)

HINKLE'S ADDITION PETITIONS FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE PART OF HINKLE'S ADDITION, EAST OF WOODLAWN, SOUTH OF 29TH STREET NORTH. (DISTRICT I)

Agenda Report No. 04-0484

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new medical building located east of Woodlawn, south of 29th Street North.

The Petitions total \$89,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
-- carried

Vice-Mayor Brewer moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 04-230

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89932 (east of Woodlawn, south of 29th Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Vice-Mayor Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

RESOLUTION NO. 04-231

Resolution of findings of advisability and Resolution authorizing construction of Lateral 13, Main 6, Sanitary Sewer #23, (east of Woodlawn, south of 29th Street) 468-83785) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Vice-Mayor Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

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STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 04-0485

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

1) Wichita Senior 5K Walk/Run – Wednesday, May 26
Section of Amidon from Murdock to Sim Park Drive (with Botanica's permission)

2) Neighborhood Block Party – Saturday, May 15, 5:00 – 10:00 p.m.
Block of 100 N. Vine. Barricades placed north of the east/west alleys on Vine (approximately 110 N. Vine) to just south of 1st Street

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Vice-Mayor Brewer moved that the request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets be approved. Motion carried 6 to 0. (Mayans absent)

--carried

FINANCIAL REPORT QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDED MARCH 31, 2004.

Motion--

Vice-Mayor Brewer moved that the report be received and filed. Motion carried 6 to 0. (Mayans absent)

--carried

ASBESTOS REMOVAL REMOVAL OF ASBESTOS-CEMENT PIPE/INTERGOVERNMENTAL AGREEMENT.

Agenda Report No. 04-0486

The Water Utility replaced an existing 12-inch, asbestos-cement (AC) water main in Central from 143rd Street East to 159th Street East, and abandoned the old main that was in place. Staff understood that a minimal part of the line might be in conflict with a project to be done by Sedgwick County and require disposal during the county project.

After replacing the water main, and prior to construction of the storm drainage system by the county, it was discovered that a larger portion of the abandoned pipe would conflict with the project. At this point, it is not practical for Water Utility crews to remove the pipe, nor to contract with a firm to do the removal.

Staff recommends having the contractor that installs the storm drainage system excavate and remove the pipe, then reimburse the county for the work. The Water Utility will be responsible for final disposal of the pipe. The Board of County Commissioners of Sedgwick County has requested that an Inter-govern-mental Agreement be approved for the project.

Cost for the project will be \$22,575. Water Main Replacement (CIP W-67) has a budget of \$4 million for 2004, of which \$2.7 million is currently unallocated. The work will be funded from Water Utility Revenues and Reserves and/or a future revenue bond issue.

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Motion-- Vice-Mayor Brewer moved that the Agreement be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0. (Mayans absent)

AQUILA GAS LINES **CONTRACTS FOR RELOCATION OF AQUILA GAS LINES FOR THE WEST 13TH STREET BRIDGE AT THE COWSKIN CREEK PROJECT. (DISTRICT V)**

Agenda Report No. 04-0487

On October 7, 2003, the City Council approved a project to reconstruct the 13th Street Bridge over the Cowskin Creek. An existing 6" steel Aquila distribution gas line will have to be relocated to accommodate the widening of structure.

Aquila's existing facilities are currently located in a private easement outside the street right-of-way. Because of this, the cost to relocate the facilities must be paid by the City. An agreement has been prepared which formalizes this arrangement.

The estimated cost to relocate this line is \$15,971.46. Funds are available in the project account (funded by General Obligation Bonds) to provide for this expense.

Motion-- Vice-Mayor Brewer moved that the Agreement be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0. (Mayans absent)

REMINGTON PLACE **CONSTRUCTION ENGINEERING AND STAKING IN REMINGTON PLACE THIRD ADDITION, SOUTH OF 21ST STREET, EAST OF WEBB. (DISTRICT V) – SUPPLEMENTAL.**

Agenda Report No. 04-0488

The City Council approved the water distribution system, sanitary sewer and paving improvements in Remington Place 3rd Addition on March 16, 2004. On April 13, 2004, the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment to Baughman will be on a lump sum basis of \$84,500, and will be paid by special assessments.

Motion-- Vice-Mayor Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0. (Mayans absent)

WILSON FARMS **RESPREAD ASSESSMENTS: WILSON FARMS FOURTH ADDITION, WILSON ESTATES MEDICAL PARK ADDITION AND WILSON ESTATES MEDICAL PARK SECOND ADDITION, SOUTH OF 21ST STREET NORTH, EAST OF ROCK ROAD. (DISTRICT II)**

Agenda Report No. 04-0489

The landowners, Wilson Residential Company, LLC and Laham Holding Company, LLC, have submitted an Agreement to respread special assessments within their ownership in the Additions.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvements.

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Motion--
--carried

Vice-Mayor Brewer moved that the Agreement be approved and the necessary signatures authorized.
Motion carried 6 to 0. (Mayans absent)

LABORATORY

LABORATORY AND CONTRACTUAL SERVICES.

Agenda Report No. 04-0490

City Departments contract with commercial laboratories to perform analyses on various environmental samples. The current lab contract expired on Dec 31, 2003, and an extension was granted to June 1, 2004. A request for proposal was sought from various laboratories that met the City's specifications for laboratory services.

Bids were requested on a per sample basis for comparison purposes. Five laboratories submitted proposals. Of these, two laboratories met the bid proposal requirements. The City and the laboratories have prepared a contract for services for signatures. Two laboratories were selected for the work. Pace Analytical has agreed to perform the analytical work for the samples collected at Brooks and Chapin Landfill. Proposed annual cost for this work will be at or below \$11,808. Continental Analytical Services has agreed to perform the analytical work required at John's Sludge Pond and various sites located within the Sewage Treatment Division. Proposed annual cost to perform this work is at or below \$52,083.

Laboratory services are approved in the annual operating budget of each Department.

City Council approval is necessary for all agreements in excess of \$10,000.

Motion--
--carried

Vice-Mayor Brewer moved that the contracts be approved and the necessary signatures authorized.
Motion carried 6 to 0. (Mayans absent)

FOUR-MILE CREEK

CHANGE ORDER: FOUR MILE CREEK WASTEWATER TREATMENT PLANT.

Agenda Report No. 04-0491

Snodgrass & Sons Construction Co. Inc. was awarded a Contract in the amount of \$5,819,001 for the construction of new structures and the rehabilitation of old structures and equipment at the Four Mile Creek Wastewater Treatment Facility.

Change Order No. 1 is a combination of eleven (11) proposed contract modifications (PCMs) for the Four Mile Creek project. All of the PCMs reflect either a reduction in cost, or added value to the City.

This Change Order is part of Capital Improvement Project - Four Mile Creek Plant Improvements (CIP S-520). The proposed modifications result in a net decrease of \$15,187 representing a 0.26 percent decrease to the original contract. Deductive contract modifications amount to \$29,205. The project has been completed and no further changes will be required, additive or deductive.

Motion--
--carried

Vice-Mayor Brewer moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0. (Mayans absent)

LIMOUSINE SERVICE APPROVAL OF CERTIFICATE OF CONVENIENCE AND NECESSITY FOR MR. JOHN W. MELUGIN D/B/A DOUBLE J LIMOUSINE SERVICE.

Agenda Report No. 04-0492

On April 14, 2004, Wichita Transit staff received an application from Mr. John Melugin d/b/a Double J Limousine, for a Certificate of Convenience and Necessity to operate a chartered limousine service in Wichita, Kansas. The application included support documentation, an insurance policy meeting code

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requirements, listing of employees names for police records check purposes and vehicle inspection report. This company currently has one limousine.

If approved for a license, Double J Limousine will become the ninth licensed charter limousine service in the City of Wichita. This will be an added resource to those persons needing transportation services for special occasions.

There will be no financial impact on the City of Wichita.

The Department of Law is reviewing the Certificate of Convenience and Necessity and the policy of insurance submitted by Mr. John W. Megulin d/b/a Double J Limousine. Approval is pending.

Motion--

Vice-Mayor moved that the Certificate of Convenience and Necessity for Mr. John W. Megulin to operate Double J Limousine with up to three (3) vehicles in Wichita, Kansas be approved. Motion carried 6 to 0. (Mayans absent)

--carried

LIABILITY RELEASE RELEASE OF LIABILITY FOR VIA CHRISTI REGIONAL MEDICAL CENTER, INC. - WICHITA POLICE DEPARTMENT, THE WICHITA FIRE DEPARTMENT AND THE WICHITA FIRE RESERVE.

Agenda Report No. 04-0493

From time to time Via Christi has allowed various City and County personnel the opportunity to conduct emergency training exercises in buildings, which are scheduled for or are in the process of being demolished. In consideration for being allowed to use such property for training purposes, all parties involved execute a Release of Liability document.

The document releases Via Christi Regional Medical Center, Inc. from any liability arising out of any property damage or personal injury to any City employee or agent while participating in any exercise or other activity being conducted on property at 959 N. Emporia in Wichita, Kansas. By executing the document the City also assumes the risk involved in conducting training activities at this property, and further, agrees not to sue Via Christi Regional Medical Center, Inc., for any property damage or personal injury. Finally, the City agrees to indemnify Via Christi Regional Medical Center, Inc., for any claims or actions brought forth by third parties, which may arise from the City's activities on the property.

Motion--

Vice-Mayor Brewer moved that the Mayor be authorized to sign the Release of Liability. Motion carried 6 to 0. (Mayans absent)

--carried

KELLOGG SEWER KELLOGG SEWER RELOCATION, PHASE II.

Agenda Report No. 04-0494

The City's Strategic Plan includes the expansion of East Kellogg. The City's engineers recommend relocating the water and sewer lines under Kellogg as part of this project. Utilities are required to relocate their lines when they are in conflict with City construction.

The City is ready to initiate the second phase of relocating the sewer lines. This project is included in the approved Water & Sewer 2004-2013 CIP for 2006 as S-564, Kellogg Sewer Relocation, Phase II. Although the majority of this project will be built in 2006, the City is proceeding with an initial portion, between Gouverneur and Bonnie Brae, in 2004.

The total projected cost is \$700,000, an increase of \$200,000 from the initial estimate of \$500,000. The project will be funded from future revenue bonds and/or Sewer Utility cash reserves.

Motion--

Vice-Mayor Brewer moved that the project expenditures be approved; the Resolution adopted and the Notice of Intent to Publish authorized. Motion carried 6 to 0. (Mayans absent)

--carried

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RESOLUTION NO. 04-232

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the Revenue Bonds in a total 0principal Amount which shall not exceed \$700,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Brewer moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp (Mayansabsent)

HOOVER COURT

RESOLUTION - ORDERING A PUBLIC HEARING: HOOVER COURT PAVING, SOUTH OF HARRY. (DISTRICT IV)

Agenda Report No. 04-0495

Hoover Court, south of Harry is unpaved. Attempts to obtain a valid paving Petition have not been successful. The owner of 49.8% of the improvement district area has requested that the paving be ordered in. A Resolution to order a public hearing has been prepared that will provide an opportunity for the project to proceed. District IV Advisory Board sponsored an April 7, 2004, neighborhood hearing on the project. A motion to approve the project failed by a 3 to 5 vote. Council member Paul Gray requested to have the order in of this project considered by the City Council.

The project will provide paved access to a partially developed industrial park located south of Harry, west of Hoover.

The estimated project cost is \$117,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.23 per square foot of ownership. The Capital Improvement Program includes funding for special assessment projects on an ongoing basis.

State Statutes provides the authority for the City Council to order in the paving. As connecting pavement, the project is not subject to a protest petition. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on June 8, 2004.

Motion--
--carried

Vice-Mayor Brewer moved that the Resolution be adopted and the necessary signatures authorized. Motion carried 6 to 0. (Mayans absent)

RESOLUTION NO. 04-228

Resolution directing and ordering a public hearing on the advisability of an improvement, presented. Vice-Mayor Brewer moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Mayans absent) Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 4, 2004)

a) Murdock Bridge over the Little Arkansas River. (District VI)

ORDINANCE NO. 46-147

An Ordinance amending Ordinance No. 45-950 of the City of Wichita, Kansas declaring Murdock Bridge over the Little Arkansas River (472-83895) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

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- b) 2004 arterial street, bike path, park and waterline replacement.

ORDINANCE NO. 46-148

1. An Ordinance declaring 29th Street North, between 119th Street West and Maize (472-83982) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-149

2. An Ordinance declaring the intersection of 29th Street North and Oliver (472-83983) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-150

3. An Ordinance declaring the intersection of 37th Street North and Rock (472-83984) to be main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-151

4. An Ordinance declaring the intersection of 21st Street at 127th Street East (472-83985) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-152

5. An Ordinance declaring the intersection of Zoo Boulevard, Westdale and I-235 Freeway (472-83986) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-153

6. An Ordinance declaring the intersection of 13th Street at Mosley (472-83995) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-154

7. An Ordinance declaring MacArthur, between Meridian and Seneca (472-83996) to be a

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main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-155

8. An Ordinance declaring West Street, between Maple and Central (472-83997) to be a Main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-156

9. An Ordinance declaring the intersection of Harry at Longford (472-83998) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-157

10. An Ordinance declaring Harry, between the Kansas Turnpike and Rock (472-83999) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-158

11. An Ordinance declaring the Hillside Bridge at Range Road (472-84000) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-159

12. An Ordinance declaring Harry, between K-42 Highway and Meridian (472-84001) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-160

13. An Ordinance declaring Greenwich, between 13th and K-96 Freeway (472-84004) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

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ORDINANCE NO. 46-161

14. An Ordinance declaring Pawnee, between 119th Street West and Maize (472-84005) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-162

15. An Ordinance declaring Seneca, between I-235 and 31st Street South (472-84006) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-163

16. An Ordinance declaring the Intersection of Pawnee at McLean (472-84007) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-164

17. An Ordinance declaring 13th Street, between 135th Street West and 119th Street West (472-84010) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-165

18. An Ordinance declaring Dewey, between Main and Broadway (472-84011) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-166

19. An Ordinance declaring Pawnee, between Meridian and Seneca (472-84012) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

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ORDINANCE NO. 46-167

20. An Ordinance declaring Pawnee, between Palisade and Broadway (472-84013) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-168

21. An Ordinance declaring 17th Street, between Broadway and I-135 (472-84014) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-169

22. An Ordinance declaring the Intersection of 17th Street at Hillside (472-84015) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-170

23. An Ordinance declaring 21st Street, between Oliver and Woodlawn (472-84016) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-171

24. An Ordinance declaring Central Avenue, between 13th Street West and 119th Street West (472-84017) to be a main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

ORDINANCE NO. 46-172

25. An Ordinance declaring Oliver, between Harry and Kellogg (472-84018) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

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ORDINANCE NO. 46-173

26. An Ordinance declaring 21st Street Bridge at the Arkansas River (472-84019) to be a Main traffic-way within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic-way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent)

c) ZON2003-24 - located east of Hillside, on the north side of Central. (District I)

ORDINANCE NO. 46-174

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent) ZON 2003-24

d) ZON2003-70 - north of Macarthur, on the east side of Broadway. (District III)

ORDINANCE NO. 46-175

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent) ZON 2003-70

e) ZON2004-08 - located east of Hillside, on the south side of Lincoln (extended). (District III)

ORDINANCE NO. 46-176

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent) ZON 2004-08

f) ZON2004-07 - generally located north of Maple and west of Ridge. District B)

ORDINANCE NO. 46-177

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Vice-Mayor Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp. (Mayans absent) ZON 2004-07

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PLANNING AGENDA

Council Member Fearey Council Member Fearey requested that Item 23 be pulled for discussion.

Motion-- Vice-Mayor Brewer moved that Planning Agenda Item 22 be approved as presented. Motion carried
--carried 6 to 0. (Mayans absent)

VAC2004-00012

**VAC2004-00012-REQUEST TO VACATE A PORTION OF A PLATTED BUILDING
SETBACK AND UTILITY EASEMENT DEDICATED BY SEPARATE INSTRUMENT,
GENERALLY LOCATED SOUTHEAST OF THE GREENWICH ROAD AND KELLOGG
AVENUE/US -54 INTERSECTION. (DISTRICT II)**

Agenda Report No. 04-0496

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration for the vacation of the south and east 25 feet of the platted 35-foot platted setback as dedicated on Lot 2, Block A, One Kellogg Place 2nd Addition. The applicant also proposes to vacate the south 10 feet of a 20-foot easement dedicated by separate instrument generally running parallel to the north side of the subject site and contained within the previously mentioned platted setback. The site is located in DP-196 One Kellogg Place Community Unit Plan. The plat, One Kellogg Place 2nd Addition, was recorded with the Register of Deeds on May 15, 2001.

Setbacks for the "LI" Limited Industrial District in the Unified Zoning Code includes a minimum of zero feet for the rear and street side setbacks, zero feet or a minimum of five feet, if provided, for interior side setbacks and 20 feet for a front setback. The subject site is located within CUP DP- 196; vacation of the platted setbacks requires an adjustment to the CUP. The applicant has obtained approval of the adjustment to these setbacks within the CUP (letter dated February 20, 2004). There is no water or sewer in the easement dedicated by separate instrument (film 2222, page 2491). No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion-- Vice-Mayor Brewer moved that the Vacation Order be approved and the necessary signatures be
--carried authorized. Motion carried 6 to 0. (Mayans absent)

(Item 23)

ZON2004-00006

**ZON2004-00006-FINDINGS OF FACT TO SUPPORT DENIAL OF A REQUEST TO CHANGE
ZONING FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL.
GENERALLY LOCATED SOUTH OF 37TH STREET NORTH AND WEST OF BROADWAY.
(DISTRICT VI)**

Agenda Report No. 04-0497

On May 4, 2004, the City Council voted to deny ZON2004-00006, a request to change zoning from "SF-5" Single-Family Residential to "LI" Limited Industrial for 10 acres generally located south of 37th Street North and west of Broadway. The City Council indicated that findings of fact to support the vote to deny the request would be adopted by the City Council at the May 11, 2004, meeting.

The record established during the public hearing process contains the following findings of fact to support the City Council action to deny the zone change request.

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1. The zoning, uses, and character of the neighborhood: Adjacent properties to the north, south, and west are zoned "SF-5" Single Family Residential and are developed with single-family residences; therefore, the requested zone change is inconsistent with the zoning and uses of most adjacent properties. Since nearly all of the adjacent properties are zoned and used for residences, the character of the neighborhood is low-density residential. The requested zone change would allow the expansion of an industrial use and would compromise the low-density residential character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single Family Residential, and is suitable for development with residential uses or other uses such as a church or school that are permitted by the zoning district.
3. The extent to which removal of restrictions will detrimentally affect nearby property: The requested zone change would allow expansion of an industrial use that has significant detrimental affects on nearby residential properties. Nearby residents attested that the existing industrial use creates noise and blowing dust, is an eyesore in the community, and detrimentally affects the use and desirability of nearby residential properties.
4. The conformance of the request to the adopted or recognized plans or policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The requested zone change does not conform to the Land Use Guide of the Comprehensive Plan.
5. Opposition or support of neighborhood residents: Written protest petitions representing 35.84 percent of the land area within 200 feet to the area proposed for rezoning were received. Numerous neighborhood residents whose properties are located more than 200-feet from the area proposed for rezoning also submitted written protest petitions. Numerous letters of opposition were received from neighborhood residents. Numerous neighborhood residents spoke in opposition to the request at the hearings.

Motion--

Fearey moved that the findings of fact contained in the "Analysis" section of this report to support the May 4, 2004, vote of the City Council to deny the requested zone change and some of the findings include that the zone change is inconsistent with the zoning and uses of most of the adjacent properties; that the requested zone change would compromise the low-density residential character of the neighborhood; the subject property is zoned single-family V and is suitable for development with residential uses or other uses such as a church or school that are permitted by the zoning district. A requested zone change would allow expansion of an industrial use that has significant detrimental affects on nearby residential properties and that the requested zone change does not conform to the land use guide of the comprehensive plan. Motion carried 6 to 0. (Mayans absent)

--carried

Adjournment

Motion--

Vice Mayor Brewer moved at 11:08 a.m. to adjourn the City Council Meeting. Motion carried 6 to 0. (Mayans absent)

--carried

Karen Sublett
City Clerk